

REMARKS**Summary of the Office Action**

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as allegedly being taught by Kozlov, V.A. et al., All-fiber coherent beam combining of fiber lasers, Optics Letters, December 15, 1999, Vol. 24, No. 24, pages 1814-1816 (hereinafter "Kozlov.")

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kozlov as applied to claims 1-3 above, and further in view of Shirakawa et al., "Coherent addition of Fiber lasers by use of a fiber coupler," Optics Express, Optical Society of America, Vol. 10, No. 21, October 21, 2002, pp. 1167-1172 (hereinafter "Shirakawa").

Summary of the Response to the Office Action

Applicants have amended claim 1 to include the features of previous claim 4, which has thus been canceled without prejudice or disclaimer. Accordingly, claims 1-3 are currently pending for consideration.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as allegedly being taught by Kozlov. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kozlov as applied to claims 1-3 above, and further in view of Shirakawa.

Applicants have amended claim 1 to include the features of previous claim 4, which has thus been canceled without prejudice or disclaimer. Accordingly, the rejections under 35 U.S.C. § 102(b) have thus been rendered moot. As to the rejection of claim 4 in the Office Action,

Applicants respectfully submit that Shirakawa should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102. A Claim for Priority and Certified Copy of Japanese Patent Application No. P2002-181821, which was filed in Japan on June 21, 2002, have been filed in connection with this application. Acknowledgement of this Claim for Priority and also of receipt of the Certified Copy was made by the Examiner at item 12 of page 1 (PTOL-326) of the Office Action dated October 10, 2006.

Pursuant to 37 C.F.R. § 1.55(a), Applicants submit concurrently herewith a verified translation of Japanese Patent Application No. P2002-181821. The publication date of Shirakawa is October 21, 2002 which is after the priority date to which this application is entitled. Accordingly, Applicants respectfully submit that Shirakawa should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102.

Accordingly, newly-amended independent claim 1, which has been amended to include the features of previous claim 4, is in condition for allowance. Dependent claims 2-3 are allowable at least because of their dependence from newly-amended independent claim 1, and the reasons set forth above. Accordingly, withdrawal of the rejections of claims 1-4 is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully requests withdrawal of all outstanding rejections, and reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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By:



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